



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing Regarding Weed Abatement Proceedings Involving Various Parcels Within the City of Lodi to Allow Property Owners Having Objections to the Proposed Removal of Weeds to be Heard and Given Due Consideration

MEETING DATE: December 18, 1996

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That following the public hearing and receipt of public testimony, the City Council adopt the attached resolution overruling objections and proceeding with weed abatement.

BACKGROUND INFORMATION: At the City Council meeting of November 6, 1996, the Lodi City Council adopted Resolution No. 96-163 declaring weeds a public nuisance and initiating abatement proceedings on various parcels throughout the City.

Pursuant to State of California Government Code Section 39500 et seq., a Notice to Destroy Weeds and Remove Rubbish, Refuse, and Dirt was published and mailed under Declaration of Mailing to each of the involved property owners. The purpose of this public hearing is for property owners having any objections to the proposed abatement to be heard and given due consideration.

Some of the properties listed on the attached Exhibit A are in the process of abating tumbleweeds since the adoption of Resolution No. 96-163. The City will not proceed with abatement on those properties as long as abatement is completed.

Following the public hearing and receipt of public testimony regarding the matter, it would be in order for the Council to adopt the attached resolution overruling objections and proceeding with abatement.

FUNDING: None required.

  
Jack L. Ronsko  
Public Works Director

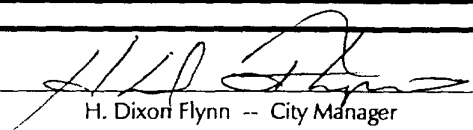
Prepared by Sharon Blaufus, Administrative Assistant

JLR/SB/lm

Attachments

cc: City Attorney  
Street Superintendent

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

PARCELS WITH EXISTING TUMBLEWEEDS		
Owner's Name/Address	APN #	Situs Address
Geweke Family Trust 1045 S. Cherokee Lane Lodi, CA 95240	049-070-78	1150 S. Beckman Road
John Donovan et al 225 West Elm Street Lodi, CA 95240	049-180-13 049-170-22	1127 Black Diamond Way 804 Black Diamond Way
Kettleman II, PTP 301 S. Ham Lane, Suite A Lodi, CA 95242	058-160-50 058-160-51	2122 W. Kettleman Lane 2132 W. Kettleman Lane
Ida Hoffman, et al 1635 Edgewood Drive Lodi, CA 95240	049-180-22 049-180-23 049-180-24 049-180-25	1026 Black Diamond Way 1020 Black Diamond Way 1014 Black Diamond Way 1008 Black Diamond Way
Cye G. Vaughan 224 1/2 Sage Street Elko, NV 89801	049-160-06 049-160-07	927 Industrial Way 1005 Industrial Way
Robert & H. I. Munyon 7787 E. Jahant Road Acampo, CA 95220	062-190-10	1841 Ackerman Drive
Anastasios & C. Pappous 5395 Entrada Olmos San Jose, CA 95123	062-410-18	2507 Maggio Circle
Von Koenig, Stark Investment 3900 McHenry Avenue Modesto, CA 95356	062-410-20	139 East Harney Lane
John & Joanne Donovan P. O. Box 456 Lodi, CA 95241	049-170-21 049-170-22	430 N. Beckman Road 810 Black Diamond Way
Apache Plastics LP 2050 E. Fremont St. Stockton, CA 95205	049-070-57	300 South Beckman Road
	AMENDED	



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: December 18, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

**Jennifer M. Perrin**

City Clerk

Telephone: (209) 333-6702

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, December 18, 1996** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Declaring weeds a public nuisance and initiating abatement proceedings on various parcels throughout the City

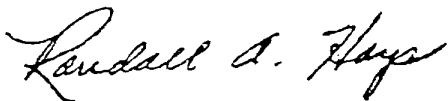
All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, P.O. Box 3006, at or prior to the Public Hearing.

  
Jennifer M. Perrin  
City Clerk

Dated: November 6, 1996

Approved as to form:

  
Randall A. Hays  
City Attorney



## **DECLARATION OF MAILING**

### **Public Hearing: Declaring weeds a public nuisance and initiating abatement proceedings**

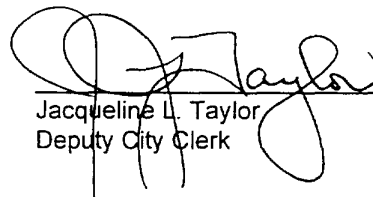
On November 7, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 7, 1996, at Lodi, California.

Jennifer M. Perrin  
City Clerk



Jacqueline L. Taylor  
Deputy City Clerk

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Linda S. Nichols  
Administrative Clerk

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	AMENDED	

RESOLUTION NO. 96-189

A RESOLUTION OVERRULING OBJECTIONS AND PROCEEDING WITH  
ABATEMENT BEFORE THE CITY COUNCIL OF THE CITY OF LODI  
IN THE MATTER OF WEED ABATEMENT PROCEEDINGS

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Overruling Objections and  
Determining to Proceed with  
Abatement

RESOLUTION No. 96-189

The City Council adopted Resolution No. 96-163 on November 6, 1996, which by its terms the Council elected to proceed under Government Code Sections 39501-39588 and did declare as a public nuisance all weeds growing upon streets, sidewalks and private property in the City and all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City; and

A public hearing was held on December 18, 1996 and no objections to the proposed removal of weeds, rubbish, refuse and dirt were made or presented either in writing or orally;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED AS FOLLOWS:

(1) On November 6, 1996, the City Council elected to proceed under Government Code Sections 39501-39588 and did declare as a public nuisance all weeds growing upon the streets, sidewalks and private property in the City and all rubbish, refuse and dirt upon parkways, sidewalks and private property in the City, all as more particularly described in Resolution No. 96-163, adopted November 6, 1996.

(2) The Council fixed December 18, 1996 at the hour of 7:00 o'clock p.m., in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, as the time and place for hearing all objections to the proposal of removal of weeds, rubbish, refuse and dirt, and the Director of Public Works was designated as the person to perform the duties imposed by Government Code Section 39560-39588 upon the Superintendent, and he did prepare notices to destroy weeds and remove rubbish, refuse and dirt and did in the time and manner prescribed by law; the City did mail written notice of the proposed abatement to all persons owning property described in Resolution No. 96-163 in the time, form and manner prescribed by law.

(3) The City Council did hold a public hearing on December 18, 1996, and no objections, either written or oral to the proposed removal of weeds, rubbish, refuse and dirt were presented and the hearing was closed on December 18, 1996.

(4) The Superintendent is ordered to abate the nuisance declared by Resolution No. 96-163 by having the weeds, rubbish, refuse and dirt removed and for this purpose, on

those parcels shown on the attached exhibit (Exhibit A), the Superintendent may enter upon private property to abate the nuisance. Before the Superintendent arrives, any property owner may remove the weeds, rubbish, refuse and dirt at his/her own expense.

(5) The Superintendent or the contractor awarded the work, as the case may be, shall keep an account of the cost of abatement in front of or on each separate parcel of land where the work is done and shall submit to the Council for consideration, hearing of objections, modification and confirmation, an itemized written report showing this cost, all as more particularly prescribed by Government Code Section 39574.


Adopted by the City Council of the City of Lodi on December 18, 1996 by the following vote:

AYES: COUNCIL MEMBERS - Land, Mann, Sieglock, Warner and  
Pennino (Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None

  
JENNIFER M. PERRIN  
City Clerk